



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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January 20, 2015

Mr. Reza Tand
Accutest Laboratories of New England, Inc.
50 D'Angelo Drive
495 Technology Center West
Marlborough, MA 01752

RE: Marlborough
Transmittal No.: X261578
Application No.: CE-14-013
Class: *SM-25*
FMF No.: 178723
AIR QUALITY PLAN APPROVAL

Dear Mr. Tand:

The Massachusetts Department of Environmental Protection ("MassDEP"), Bureau of Air and Waste, has reviewed your Non-major Comprehensive Plan Application ("Application") listed above. This Application concerns the use of solvents and the combustion of natural gas at your analytical laboratory facility located at 50 D'Angelo Drive, Marlborough, Massachusetts ("Facility"). The Application bears the seal and signature of Roland St. Michel, Massachusetts Registered Professional Engineer No. 39502.

This Application was submitted as required by the Consent Judgment between the Commonwealth of Massachusetts and Accutest Laboratories of New England, Inc. (Superior Court Civil Action No. 14-1680D) and in accordance with 310 CMR 7.02 Plan Approval and Emission Limitations as contained in 310 CMR 7.00 "Air Pollution Control," regulations adopted by MassDEP pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 142 A-O, Chapter 21C, Section 4 and 6, and Chapter 21E, Section 6. MassDEP's review of your Application has been limited to air pollution control regulation compliance and does not relieve you of the obligation to comply with any other regulatory requirements.

MassDEP has determined that the Application is administratively and technically complete and that the Application is in conformance with the Air Pollution Control regulations and current air pollution control engineering practice, and hereby grants this **Plan Approval** for said Application, as submitted, subject to the conditions listed below.

Please review the entire Plan Approval, as it stipulates the conditions with which the Facility owner/operator ("Permittee") must comply in order for the Facility to be operated in compliance with this Plan Approval.

1. DESCRIPTION OF FACILITY AND APPLICATION

Accutest Laboratories of New England, Inc. operates an existing environmental testing laboratory that performs analysis of environmental samples using United States Environmental Protection Agency ("EPA") test methods. The Facility consists of eight individual laboratories; however, the primary source of regulated air pollutant emissions is the Organic Prep Laboratory. In this application, The Permittee proposes to capture and control air pollutant emissions generated by the analytical work performed at the Facility that are currently emitted uncontrolled.

Emission Unit (EU) 1 is the Organic Prep Laboratory. In this single laboratory room, pollutants are extracted from environmental samples using methods in the EPA publication SW-846, entitled *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*. The EPA test methods run at the Facility require the use of solvents to extract pollutants from the environmental samples. Typically, most of the solvent used in the extraction is evaporated and is currently emitted to the air uncontrolled. The remaining extract is then analyzed for various pollutants in other laboratories at the Facility.

Emission Unit 2 is another single laboratory room, the General Chemistry Laboratory. Test methods for physical properties of samples are performed in this Laboratory. Test methods that require the use of solvents to extract pollutants from environmental samples are also performed in this Laboratory.

The air pollutants emitted at the Facility are methylene chloride, acetone, and volatile organic compounds ("VOCs"). Solvent extraction emissions are estimated by determining the emissions per test method and multiplying by the number of tests run in a month or year.¹ Methylene chloride is the pollutant emitted in the largest quantities and is a Hazardous Air Pollutant ("HAP").

The Permittee proposes to capture and control emissions from EUs 1 and 2 by conducting extractions using solvent extraction equipment with solvent vapor recovery. The Permittee proposes to use two different solvent extraction units.

MassDEP is approving the use of eight Buchi Syncore® Analyst R-12 Concentrators or equivalent. In these units, an aluminum sample holding rack is placed onto the unit's platform. A vacuum cover is placed over the glassware containing the sample and the extracting solvent. The platform and cover are heated. The vacuum allows the unit to achieve lower boiling points for the various solvents used and provides 100% capture of emissions. The unit is equipped with primary and secondary condensers. The unit uses a chilled water and ethylene glycol mixture as the cooling medium. The larger, primary condenser captures the majority of the evaporated

¹ See Appendix E to the November 14, 2014 submittal of the Application

solvents. The secondary condenser serves as a polishing unit. Recovered solvents are collected and managed as hazardous waste.

MassDEP is also approving the use of two Organomation S-EVAP-KD centralized concentration units or equivalent. In this unit, the sample and extracting solvent are placed in a concentrator tube at the bottom of a Kuderna Danish flask. The Kuderna Danish flask rests on a water bath cover disk and the concentrator tube sits partially submerged in the deep water bath below the cover disk. The solvent boils from the flask and flows through a Snyder column. The solvent vapor then cools in the condenser, which is attached to a centrally located water manifold. The solvent leaves the condenser through a specially designed side arm into either an individual collection flask or a centrally located solvent collection vessel. The unit uses a chilled water and ethylene glycol mixture as the cooling medium. Recovered solvents are collected and managed as hazardous waste.

Vapor displacement emissions are generated by activities in EUs 1 and 2. Vapor displacement emissions are generated from pouring solvents, rinsing glassware, and waste disposal operations. These emissions are not captured by the solvent recovery systems. Vapor displacement emissions are estimated in the application using the procedure for estimating vapor displacement emissions in the National Emission Standards for Pharmaceutical Production². Vapor displacement emissions are included in the Emission Limits in Table 2 of this Plan Approval.

The Permittee operates 12 natural gas fired heating, ventilation, and air conditioning (HVAC) units at the Facility for comfort heating and cooling. Each HVAC unit has a maximum heat input rate of less than 10 million British Thermal Units per hour (MMBtu/hr) and the aggregate heat input rate of all units is less than 10 MMBtu/hr. In accordance with 310 CMR 7.02(2)(b)15.a., combustion sources with a maximum heat input of less than 10 MMBtu/hr per unit are exempt from plan application filing and approval requirements and therefore are not included in this Plan Approval. The emissions from all fuel burning equipment, however, are quantified in the Application to determine Facility-wide emissions. Emissions estimates from fuel burning equipment are based on emission factors in the EPA publication AP-42 entitled, *Compilation of Air Pollutant Emission Factors*³ and 8,760 hours of operation per year.

The Permittee performs a small number of procedures in other laboratories at the Facility. The other laboratories use solvents in such a way that the use does not produce evaporative emissions. Solvents are transferred from sealed container to sealed container or used in the analytical process. Thus, no quantifiable emissions are generated. These other laboratories are not regulated in this Plan Approval.

The Permittee will use Best Available Control Technology (BACT) for the solvent extraction operations, specifically, solvent extraction equipment with solvent vapor recovery to obtain the demonstrated collection efficiency of 100% and removal efficiency of 95% as contained in Table

² See 40 CFR 63.1257(d)(2)(i)(A)

³ See AP-42 5th edition, Tables 1.4-1 and 1.4-2.

2 of this Plan Approval. This level for BACT has been established as top case BACT for laboratory solvent extraction operations in previous Massachusetts Plan Approvals for other facilities. BACT for vapor displacement emissions will be achieved by using the best management practices for solvent handling in accordance with Table 6 of this Plan Approval. Accutest will train its employees and provide annual refresher training in the best management practices in accordance with Table 6 of this Plan Approval.

MassDEP has reviewed the *Air Dispersion Modeling Report – Accutest Laboratories – Marlborough, Massachusetts* that was included in the Application. The air quality dispersion modeling report demonstrates that the emission units, when operated in accordance with this Plan Approval, will not cause an exceedance of the MassDEP health based Allowable Ambient Limit and Threshold Effects Exposure Limit for methylene chloride.

2. EMISSION UNIT (EU) IDENTIFICATION

Each Emission Unit (EU) identified in Table 1 is subject to and regulated by this Plan Approval:

Table 1			
EU	Description	Design Capacity	Pollution Control Device
1	Organic Prep Laboratory	n/a	Solvent extraction equipment with solvent vapor recovery
2	General Chemistry Laboratory	n/a	Solvent extraction equipment with solvent vapor recovery

Table 1 Key:

EU = Emission Unit

3. APPLICABLE REQUIREMENTS

A. OPERATIONAL, PRODUCTION and EMISSION LIMITS

The Permittee is subject to, and shall not exceed the Operational, Production, and Emission Limits as contained in Table 2 below:

Table 2			
EU	Operational / Production Limit	Air Contaminant	Emission Limit
1 ¹	1. 4,844 liters or less of HAP (single) per month.	HAP (single) ²	0.27 TPM
	2. 24,222 liters or less of HAP (single) per 12-month rolling period.		1.36 TPY
	3. 6,041 liters or less of HAP (total) per month.	HAP (total)	0.30 TPM
	4. 30,204 liters or less of HAP (total) per 12-month rolling period.		1.48 TPY
	5. 1,366 liters or less of VOC per month.	VOC ⁴	0.03TPM
	6. 6,831 liters or less of VOC per 12-month rolling period.		0.16 TPY
	7. 805 liters or less of acetone per month.	Acetone	0.03 TPM
	8. 4,022 liters or less of acetone per 12-month rolling period.		0.15 TPY
	9. Solvent collection efficiency shall be 100%. ³		
	10. Condenser removal efficiency shall be 95% by weight or above. ³		
	11. Condenser coolant temperature shall be maintained at or below 25°C.		
2 ¹	12. 88 liters or less of HAP (single) per month.	HAP (single) ⁵	0.003 TPM
	13. 438 liters or less of HAP (single) per 12-month rolling period.		0.01 TPY
	14. 103 liters or less of HAP (total) per month.	HAP (total)	0.003 TPM
	15. 513 liters or less of HAP (total) per 12-month rolling period.		0.01 TPY
	16. 104 liters or less of VOC per month.	VOC ⁶	0.003 TPM

Table 2			
EU	Operational / Production Limit	Air Contaminant	Emission Limit
	17. 519 liters or less of VOC per 12-month rolling period. 18. Solvent collection efficiency shall be 100% 19. Condenser removal efficiency shall be 95% by weight or above. ³ 20. Condenser coolant temperature shall be maintained at or below 25°C.		0.01 TPY
1 and 2		Opacity	0%

Table 2 Key:

°C = degrees Centigrade
% = percent
EU = Emission Unit Number
HAP = Hazardous Air Pollutant
HAP (single) = maximum single Hazardous Air Pollutant
HAP (total) = total Hazardous Air Pollutants
TPM = tons per month
TPY = tons per 12-month rolling period
VOC = Volatile Organic Compounds

Table 2 Notes:

1. The emission limits for EUs 1 and 2 include concentrator emissions at 95% overall control and uncontrolled vapor displacement emissions (i.e. emissions generated from pouring solvents, rinsing glassware, and waste disposal operations). The emission limits and operational/production limits are from Appendix E of the Application submittal of November 14, 2014, which is attached to this Plan Approval. The emission limits and operational/production limits for EU 1 are from Tables E-7 and E-9 respectively. The emission limits and operational/production limits for EU 2 are from Tables E-18 and E-20 respectively.
2. The highest emitting single HAP in EU 1 is methylene chloride.
3. Applies to HAP (single), HAP (total), all VOCs, and acetone air contaminants.
4. The VOCs emitted from EU 1 are hexane and ether.
5. The highest emitting single HAP in EU 2 is hexane.
6. The VOC emitted from EU 2 is hexane.

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to, and shall comply with, the monitoring, testing, record keeping, and reporting requirements as contained in Tables 3, 4, and 5 below:

Table 3

EU	Monitoring and Testing Requirements
1 and 2	1. The Permittee shall test each piece of solvent extraction equipment with solvent vapor recovery according to the Condenser Removal Efficiency Testing Protocol beginning the calendar month after MassDEP's approval of the Condenser Removal Efficiency Testing Protocol (required below in Table 6). The Permittee shall test each piece of solvent extraction equipment with solvent vapor recovery according to the approved Condenser Removal Efficiency Testing Protocol each month no later than the 15 th of the month. The Permittee may propose to MassDEP a reduction of the test frequency after twelve consecutive months of condenser removal efficiency testing showing that each piece of solvent extraction equipment with solvent vapor recovery meets the collection efficiency and condenser removal efficiency operational limits in Table 2 of this Plan Approval.
	2. The Permittee shall monitor the temperature of the condenser coolant at all times that solvent recovery operations are being conducted to demonstrate compliance with the operational limit for condenser coolant temperature contained in Table 2 of this Plan Approval.
	3. The Permittee shall continuously monitor condenser coolant flow to ensure coolant is flowing through the condenser at all times during solvent recovery operations.
	4. The Permittee shall monitor acetone, HAP and VOC usage in order to comply with the record keeping requirements of Table 4 of this Plan Approval.
Facility-wide	5. The Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	6. If and when MassDEP requires it, the Permittee shall conduct emission testing in accordance with EPA Reference Test Methods and 310 CMR 7.13. At least 30 days prior to emission testing, the Permittee shall submit to MassDEP for approval a stack emission pretest protocol. Within 45 days after emission testing, the Permittee shall submit to MassDEP a final stack emission test results report.

Table 3 Key:

CMR = Code of Massachusetts Regulations
EPA = Environmental Protection Agency
EU = Emission Unit Number
HAP = Hazardous Air Pollutant
MassDEP = Massachusetts Department of Environmental Protection
VOC = Volatile Organic Compounds

Table 4	
EU	Record Keeping Requirements
1 and 2	1. The Permittee shall maintain records of the Condenser Removal Efficiency Testing required by Table 3 of this Plan Approval. Records shall include the date of testing, operator and condenser capture and removal efficiency rate.

Table 4	
EU	Record Keeping Requirements
	2. The Permittee shall maintain adequate records on-site to demonstrate compliance with all operational, production, and emission limits contained in Table 2 of this Plan Approval. Records shall also include the actual emissions of air contaminants emitted for each calendar month and for each consecutive twelve-month period (current month plus prior eleven months). The Permittee shall calculate monthly emissions of acetone, HAP, and VOC and monthly solvent usage using the same methods used to calculate the Proposed Monthly Time Period Emissions Restrictions and the Proposed Production or Operational Limits in Table 7A and Table 7B of the CPA-Process form contained in the November 14, 2014 submittal of the Application, which are incorporated herein by reference. The Permittee shall compile these records no later than the 15 th day following each month. An electronic version of the MassDEP approved record keeping form, in Microsoft Excel format, can be downloaded at http://www.mass.gov/dep/air/approvals/aqforms.htm#report .
	3. The Permittee shall record the number of samples analyzed, the test method used, and the piece of solvent extraction equipment with solvent recovery used such that compliance with the operational, production, and emission limits contained in Table 2 of this Plan Approval can be determined.
Facility-wide	4. The Permittee shall maintain records of monitoring and testing required by Table 3 of this Plan Approval.
	5. The Permittee shall maintain a copy of this Plan Approval, underlying Application, and the most up-to-date manufacturer's instructions for the EUs and PCDs approved herein on-site.
	6. The Permittee shall maintain a record of routine maintenance activities performed on the approved PCDs and monitoring equipment. The records shall include, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed.
	7. The Permittee shall maintain a record of all malfunctions affecting air contaminant emission rates on the approved PCDs and monitoring equipment. At a minimum, the records shall include: date and time the malfunction occurred; description of the malfunction; corrective actions taken; the date and time corrective actions were initiated and completed; and the date and time emission rates and monitoring equipment returned to compliant operation.
	8. The Permittee shall maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	9. The Permittee shall maintain records required by this Plan Approval on-site for a minimum of five (5) years.
	10. The Permittee shall make records required by this Plan Approval available to MassDEP and EPA personnel upon request.
	11. The Permittee shall maintain training records for best management practices for solvent handling, conducted as required by Table 6 of this Plan Approval.

Table 4 Key:

CMR = Code of Massachusetts Regulations

EPA = Environmental Protection Agency

EU = Emission Unit Number

HAP = Hazardous Air Pollutant

MassDEP = Massachusetts Department of Environmental Protection

PCD = Pollution Control Device

VOC = Volatile Organic Compounds

Table 5	
EU	Reporting Requirements
1 and 2	1. The Permittee shall notify MassDEP in writing within 5 business days of the date all the solvent extraction equipment with solvent recovery approved herein is ready to use for solvent extraction operations.
	2. The Permittee shall submit to MassDEP the results of Condenser Removal Efficiency Testing required in Table 3 Item 1 above monthly no later than 5 business days after the testing is completed. The Permittee may propose to MassDEP a reduction of the reporting frequency after twelve consecutive months of Condenser Removal Efficiency Testing showing that each piece of solvent extraction equipment with solvent vapor recovery meets the collection efficiency and condenser removal efficiency operational limits in Table 2 of this Plan Approval.
	3. The Permittee shall notify MassDEP in writing if a test method used at the Facility is changed by EPA to increase the amount of solvent used or to require the use of solvents other than those included in the Application no later than ten (10) business days of learning of the change.
Facility-wide	4. The Permittee shall submit to MassDEP all information required by this Plan Approval over the signature of a "Responsible Official" as defined in 310 CMR 7.00 and shall include the Certification statement as provided in 310 CMR 7.01(2)(c).
	5. The Permittee shall notify the Central Regional Office of MassDEP, BAW Permit Chief by telephone: 508-767-2845, email zero.air@state.ma.us or fax: 508-792-7621, as soon as possible, but no later than three (3) business days after discovery of non-compliance with any requirement of Table 2 of this Plan Approval. The Permittee shall submit a written report to BAW Permit Chief at MassDEP within ten (10) business days thereafter and shall include: identification of the non-compliance, duration of the non-compliance, reason for the non-compliance, corrective actions taken, and action plan to prevent future non-compliance.
	6. The Permittee shall report every three years to MassDEP, in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The Permittee shall note therein any minor changes (under 310 CMR 7.02(2)(e), 7.03, 7.26, etc.), which did not require Plan Approval.
	7. The Permittee shall provide a copy to MassDEP of any record required to be maintained by this Plan Approval within 30 days from MassDEP's request.

Table 5 Key:

BAW = Bureau of Air and Waste
CMR = Code of Massachusetts Regulations
EU = Emission Unit Number
EPA = Environmental Protection Agency
MassDEP = Massachusetts Department of Environmental Protection

4. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to, and shall comply with, the following special terms and conditions:

A. The Permittee shall comply with the Special Terms and Conditions as contained in Table 6 below:

Table 6	
EU	Special Terms and Conditions
1 and 2	1. No later than March 23, 2015, the Permittee shall submit to MassDEP a proposed Condenser Removal Efficiency Testing Protocol for written approval by MassDEP. The Condenser Removal Efficiency Testing Protocol shall be designed to determine the Permittee's compliance status with the collection efficiency and the condenser removal efficiency operational limit in Table 2 of this Plan Approval. The Condenser Removal Efficiency Testing Protocol must be sufficiently detailed that the condenser removal efficiency test is reproducible each time the test is run by any operator.
	2. Any piece of solvent extraction equipment with solvent vapor recovery that is tested according to the Condenser Removal Efficiency Testing Protocol and does not meet the collection efficiency and the condenser removal efficiency operational limits in Table 2 of this Plan Approval shall not be used for solvent extraction operations until the equipment is retested and meets the collection efficiency and the condenser removal efficiency operational limits in Table 2 of this Plan Approval.
	3. No later than February 19, 2015, the Permittee shall submit to MassDEP a draft record keeping protocol for written approval by MassDEP. The protocol shall detail the methods to be used to maintain adequate records to demonstrate compliance with all operational, production, and emission limits required by Table 4 Item 2 above. The protocol shall also include any logs or other methods used to keep records and any calculations or spreadsheets used to calculate emissions and solvent usage.
	4. The Permittee shall install and operate up to ten pieces of solvent extraction equipment with solvent vapor recovery approved herein no later than April 20, 2015.
	5. The Permittee shall ensure that the solvent extraction equipment with solvent recovery are used to perform sample extraction operations beginning the earliest of either: <ul style="list-style-type: none"> the date all the solvent extraction equipment with solvent recovery approved herein is ready to use for solvent extraction operations and the Permittee has notified MassDEP in accordance with Table 5 Item 1 above, or, April 20, 2015.
	6. The Permittee shall operate and maintain the solvent extraction equipment with solvent recovery according to the manufacturer's instructions at all times.
	7. The Permittee shall comply with Good Laboratory Practices regarding the handling of solvents.
	8. The Permittee shall comply with best management practices for solvent handling to minimize emissions of regulated pollutants including, but not limited to items a. through f. below: <ul style="list-style-type: none"> a. Keep containers of organic solvents, including waste solvents, closed when not in use, b. Replace the cap or lid of solvent containers that do not provide a tight seal, c. Active use solvent containers should be containers that minimize solvent loss, d. Do not dispose of any organic solvents by evaporation, e. Closed and sealed stock solvents must be stored in the solvents room unless stored within the laboratories in flame proof cabinets, and

Table 6	
EU	Special Terms and Conditions
	<p>f. Refer to laboratory SOPs for additional Good Laboratory Practices.</p> <p>The Permittee shall incorporate the best management practices for solvent handling into its Environmental Health & Safety program.</p>
	<p>9. The Permittee shall train new employees on the best management practices for solvent handling within 30 days of their employment. Employees on staff on January 20, 2015 shall be trained on the best management practices for solvent handling by February 19, 2015. The Permittee shall conduct refresher training annually between January 1 and January 31.</p>

Table 6 Key:

EU = Emission Unit Number
MassDEP = Massachusetts Department of Environmental Protection
PCD = Pollution Control Device
SOPs = Standard Operating Procedures

- B. The Permittee shall install and use exhaust stacks, as required in Table 7 below, on each of the Emission Units that are consistent with good air pollution control engineering practice and that discharge so as to not cause or contribute to a condition of air pollution. Each exhaust stack shall be configured to discharge the gases vertically and shall not be equipped with any part or device that restricts the vertical exhaust flow of the emitted gases, including but not limited to rain protection devices known as “shanty caps” and “egg beaters.”
- C. The Permittee shall install and utilize exhaust stacks with the following parameters, as contained in Table 7 below, for the Emission Units that are regulated by this Plan Approval:

Table 7¹				
EU	Stack Height Above Ground (feet)	Stack Inside Exit Dimensions (feet)	Stack Gas Exit Velocity Range (feet per second)	Stack Gas Exit Temperature Range (°F)
1	33.33	1.1	129.6	65-75
2	31.5	1.1	94.5	65-75

Table 7 Key:

°F = Degrees Fahrenheit

EU = Emission Unit Number

Table 7 Notes:

1. The stack information was submitted by the Permittee.

5. GENERAL CONDITIONS

The Permittee is subject to, and shall comply with, the following general conditions:

- A. Pursuant to 310 CMR 7.01, 7.02, 7.09 and 7.10, should any nuisance condition(s), including but not limited to smoke, dust, odor or noise, occur as the result of the operation of the Facility, then the Permittee shall immediately take appropriate steps including shutdown, if necessary, to abate said nuisance condition(s).
- B. If asbestos remediation/removal will occur as a result of the approved construction, reconstruction, or alteration of the Facility, the Permittee shall ensure that all removal/remediation of asbestos shall be done in accordance with 310 CMR 7.15 in its entirety and 310 CMR 4.00.
- C. If construction or demolition of an industrial, commercial or institutional building will occur as a result of the approved construction, reconstruction, or alteration of the Facility, the Permittee shall ensure that said construction or demolition shall be done in accordance with 310 CMR 7.09(2) and 310 CMR 4.00.
- D. Pursuant to 310 CMR 7.01(2)(b) and 7.02(7)(b), the Permittee shall allow MassDEP and/or EPA personnel access to the Facility, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
- E. This Plan Approval does not negate the responsibility of the Permittee to comply with any other applicable Federal, State, or local regulations now or in the future.
- F. Should there be any differences between the Application and this Plan Approval, the Plan Approval shall govern.
- G. Pursuant to 310 CMR 7.02(3)(k), MassDEP may revoke this Plan Approval if the construction work is not commenced within two years from the date of issuance of this Plan Approval, or if the construction work is suspended for one year or more.
- H. This Plan Approval may be suspended, modified, or revoked by MassDEP if MassDEP determines that the Permittee is in violation of any condition or part of this Plan Approval.

- I. This Plan Approval may be modified or amended when in the opinion of MassDEP such is necessary or appropriate to clarify the Plan Approval conditions or after consideration of a written request by the Permittee to amend the Plan Approval conditions.
- J. Pursuant to 310 CMR 7.01(3) and 7.02(3)(f), the Permittee shall comply with all conditions contained in this Plan Approval. Should there be any differences between provisions contained in the General Conditions and provisions contained elsewhere in the Plan Approval, the latter shall govern.

6. MASSACHUSETTS ENVIRONMENTAL POLICY ACT

MassDEP has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Energy & Environmental Affairs, for air quality control purposes, was not required prior to this action by MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and 301 CMR 11.00, Section 11.04, provide certain "Fail-Safe Provisions," which allow the Secretary to require the filing of an ENF and/or an Environmental Impact Report (EIR) at a later time.

7. APPEAL PROCESS

This Plan Approval is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Plan Approval.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts, which are the grounds for the request, and the relief sought. Additionally, the request must state why the Plan Approval is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

This request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

MassDEP may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Enclosed is a stamped approved copy of the application submittal.

Should you have any questions concerning this Plan Approval, please contact Stephen Majkut, at 508-767-2773, stephen.majkut@state.ma.us or in writing at the MassDEP's Central Regional Office.

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Roseanna E. Stanley
Section Chief
Bureau of Air and Waste

Enclosure: Non-Major Comprehensive Plan Application for Accutest Laboratories of New England,
Inc. Marlborough, Massachusetts, November 14, 2014

ecc: Marlborough Board of Health
Marlborough Fire Department
Yi Tian - MassDEP/Boston
Fred Augenster - Office of Attorney General
Gary D. Wells - Kleinfelder